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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

OWEN DIAZ,  
Plaintiff,  
v.  
TESLA, INC. dba TESLA MOTORS, INC.;  
Defendant.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF CIMONE NUNLEY**

Trial Date: March 27, 2023  
Complaint filed: October 16, 2017

1 I, CIMONE NUNLEY, hereby declare:

2 1. I am an attorney licensed to practice law in the State of California. I am an  
3 attorney with the law firm of California Civil Rights Law Group, attorneys of record for Plaintiff  
4 Owen Diaz in this action. I have personal knowledge of the facts stated herein and if called upon  
5 to testify, I could and would competently testify thereto, except as to those matters that are stated  
6 upon information and belief.  
7


8 2. Attached hereto as **Exhibit A** is a true and correct copy of Trial Exhibit 204.

9 3. Attached hereto as **Exhibit B** is a true and correct copy of Vol. 1, pages 10-12 and  
10 25-26 from the deposition of Owen Diaz in this matter.  
11

12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct. Executed on March 30, 2023 in San Anselmo, California.  
14

15 CALIFORNIA CIVIL RIGHTS LAW GROUP  
16 ALEXANDER MORRISON + FEHR LLP  
17 ALTSHULER BERZON LLP  
18 COLLIER LAW FIRM, LLP

19 DATED: March 30, 2023

20   
21 \_\_\_\_\_  
22 Simone Nunley  
23 Attorney for Plaintiff OWEN DIAZ  
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# Exhibit

# A



**CitiStaff**  
Solutions Inc.

120150  
application

PERSONAL INFORMATION			
Last Name <b>DIAZ</b>	First Name <b>Owen</b>	ID <b>10</b>	Social Security #
Street Address <b>1043 Tuolumne ST</b>			Apt #
City <b>VALLEJO</b>	State <b>CA</b>	Zip Code <b>94590</b>	Phone # <b>415-272-3648</b>
Person to contact in case of emergency/ Phone Number		Alternate Number	
Positions interested in? <b>Forklift Operator/Janitor</b>		Can you demonstrate proof of Employment Eligibility? <b>YES</b>	

#### JOB EXPERIENCE

##### General Labor

- ☒ Loader/Unloader  
☒ Assembly  
☒ Production Line  
☐ Machine Operator  
☒ Forklifts  
☒ Sit-down-Standard  
☒ Sit-down- with attachments  
☒ Stand Up-Reach  
☒ Stand Up-Cherry Picker  
☒ Electric Pallet Jack  
☐ Cranes

##### Shipping/Receiving

- ☒ UPS  
☐ Fed-Ex  
☐ Clerk  
☒ Inventory  
☒ Quality Control  
**Other Skills**  
☐ Restaurant  
☐ Extrusion Equipment  
☐ Welding  
☒ Construction  
☐ Customer Service

##### Clerical

- WPM \_\_\_\_\_  
 Accuracy \_\_\_\_\_  
☐ Receptionist  
☐ Data Entry/ File Clerk  
☐ Accounting  
☐ Excel  
☐ Word  
☐ PowerPoint  
☐ 10 Key  
☐ Other Programs

##### Languages

- ☐ Cantonese  
☐ Chinese  
☐ English  
☐ French  
☐ German  
☐ Spanish  
☐ Vietnamese  
☐ Other

#### AVAILABILITY

##### Status

- ☒ Fulltime  
☐ Part-time  
**Overtime**  
☒ Yes  
☐ No

##### Shift

- ☒ 1st Shift  
☐ 2nd Shift  
☐ 3rd Shift

##### Days

- ☒ Monday  
☐ Saturday  
☒ Tuesday  
☐ Sunday  
☐ Wednesday  
☐ Thursday  
☒ Friday

##### Transportation

- ☒ Car/ Own Transportation  
☐ Ride  
☐ Bus/Public Transportation  
☐ Assisted Transportation

##### Personnel Equipment

- ☒ Work boots  
☒ Steel Toes  
☐ Back Belt  
☐ Hard Hat

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**EX 204**

CASE NO. 17-cv-06748-WHO

DATE ENTERED \_\_\_\_\_

BY \_\_\_\_\_

DEPUTY CLERK

CONFIDENTIAL

CITISTAFF-0000034

**EX 204-001**



## PLEASE CHECK YES OR NO

Have you ever worked for CitiStaff Before?

☐ Yes☒ No

Where?

Can you comply with a Drug Test?

☒ Yes☐ No

Conditions May require lifting between 30-50 pounds. Is this ok?


☒ Yes☐ No

Explain

Positions may require to standing up for 6-10 hours. Is this ok?

☒ Yes☐ No

Explain

EMPLOYMENT REFERENCES				For Recruiter Use Only	
Company <b>COVERALL</b>		Position <b>Franchise Owner</b>		Account #	Customer Number One
City <b>SAN FRANCISCO</b>		State <b>CA</b>	Phone <b>415-272-346</b>	Position	
Starting Pay	End Pay	Start Date <b>3/99</b>	End Date <b>8/00</b>	Interviewer	
Reason for Leaving		Contact Name <b>OWEN</b>	Can we contact? <b>YES</b>		
EMPLOYMENT REFERENCES TWO				Date	Customer Number Two
Company <b>HAMILTON Family Center</b>		Position <b>Residential Counselor</b>		Status	
City <b>SAN FRANCISCO</b>		State <b>CA</b>	Phone <b>415-409-2100</b>	Notes	
Starting Pay <b>15.00</b>	End Pay <b>15.00</b>	Start Date <b>1/13</b>	End Date <b>2/14</b>		
Reason for Leaving <b>FUNDING</b>		Contact Name <b>FRANK</b>	Can we contact? <b>YES</b>		
PLEASE ANSWER ALL QUESTIONS					
How did you hear about CitiStaff?		What is your highest level of education? Name of school			
<input type="checkbox"/> Ad		<b>1 YEAR college</b>			
<input type="checkbox"/> Walk-In		Do you have any diplomas, certificates, degrees or awards?			
<input type="checkbox"/> Job Fair		<b>YES, High School</b>			
<input type="checkbox"/> Relative		In case of an injury, would you like to pre-designate your treating physician?			
<input type="checkbox"/> Friend		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If no, CitiStaff will automatically pre-designate your treating physician			
<input type="checkbox"/> Client		Initials			
<b>W. Deed</b>		Desired Cities for Employment <b>ANTIOCH, CONCORD, PITTSBURG</b>			
You must be at least 18 years old and able to produce proof of citizenship or immigration status to begin employment. I certify that the facts in this employment application are true and complete. I understand that falsified statements are grounds for dismissal.				Recruiter Comments:	
 Signature <b>6/2/15</b> Date					

# Exhibit

# B

Owen Diaz

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

REPORTER CERTIFIED  
TRANSCRIPT

\_\_\_\_\_  
DEMETRIC DI-AZ, OWEN DIAZ and  
LAMAR PATTERSON, an individual,

Plaintiffs,

Vs.

Case No. 3:17-cv-06748-WHO

TESLA, INC. DBA TESLA MOTORS,  
INC.; CitiStaff SOLUTIONS, INC.;  
WEST VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.  
and DOES 1-10, inclusive,

Defendants.  
\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF  
OWEN DIAZ

SAN FRANCISCO, CALIFORNIA

TUESDAY, MAY 22, 2018

Reported By:  
Candy Newland  
CSR No. 14256  
File No. 18-25470



10:14:40 1 Q. So other than your lawyer here today, have you  
10:14:57 2 ever been represented by any other attorney?

10:15:00 3 A. Yes, ma'am.

10:15:01 4 Q. In what capacity?

10:15:03 5 A. Criminal proceedings.

10:15:07 6 Q. When were those criminal proceedings?

10:15:12 7 A. In '88. I can't give you specifics on them.

10:15:25 8 Q. Were you charged with a crime?

10:15:26 9 A. Yes, ma'am.

10:15:27 10 Q. Which crime?

10:15:28 11 A. Auto theft.

10:15:33 12 Q. Any other crimes?

10:15:36 13 MR. ORGAN: Objection. Charged with crimes?

10:15:40 14 Charged with crimes are not relevant so I'll instruct  
10:15:46 15 him not to answer. He'll answer any questions you have  
10:15:51 16 about convictions.

10:15:52 17 BY MS. ANTONUCCI

10:15:52 18 Q. Were you charged with any other crimes in 1988?

10:15:56 19 MR. ORGAN: Objection. Don't answer.

10:15:56 20 BY MS. ANTONUCCI:

10:16:00 21 Q. Were you convicted of any other crimes in '88?

10:16:05 22 A. Theft, ma'am.

10:16:08 23 Q. Did you serve any sentence?

10:16:11 24 A. Yes.

10:16:12 25 Q. What was the sentence that you served for your



10:16:15 1 conviction for auto theft?

10:16:17 2 A. 16 months.

10:16:18 3 Q. Where did you do -- serve that sentence?

10:16:24 4 A. Jamestown.

10:16:27 5 Q. Jamestown in what state?

10:16:30 6 A. California.

10:16:36 7 Q. Do you know what county you were convicted in?

10:16:39 8 A. Alameda.

10:16:44 9 Q. Have you ever been convicted of any other

10:16:47 10 crimes?

10:16:50 11 A. Property crime. I can't remember specifics.

10:16:57 12 Q. Do you know what county it was in?

10:16:59 13 A. Alameda.

10:17:05 14 Q. Now, other than it being a property crime, what  
10:17:10 15 do you remember about the facts that led to that  
10:17:12 16 conviction?

10:17:15 17 A. I can't recall at this moment.

10:17:19 18 Q. Do you know what kind of property it was?

10:17:24 19 A. I don't remember. I just remember it was a  
10:17:33 20 property crime.

10:17:33 21 Q. So in your 1988 conviction for auto theft, who  
10:17:39 22 represented you in that proceeding?

10:17:43 23 Q. Public Defender's office.

10:17:45 24 Q. Do you remember the name of the public defender?

10:17:48 25 A. No, ma'am.

10:17:50 1 Q. And in your property crime Alameda conviction,  
10:17:55 2 who represented you?

10:17:58 3 A. Public Defender's office.

10:18:00 4 Q. Do you remember the name of the public defender?

10:18:03 5 A. No, ma'am.

10:18:09 6 Q. Other than the auto theft and -- actually,  
10:18:11 7 strike that.

10:18:13 8 When was the property crime conviction?

10:18:16 9 A. I can't recall the date.

10:18:19 10 Q. Can you recall a -- generally a year?

10:18:27 11 A. No, ma'am.

10:18:31 12 Q. Was it prior to or after the auto theft  
10:18:36 13 conviction?

10:18:36 14 A. After.

10:18:40 15 Q. Do you know if it was the '90s or the '80s?

10:18:55 16 A. Probably in the '90s.

10:19:00 17 Q. Other than the auto theft conviction in 1988 and  
10:19:16 18 the property crime in the '90s, have you been convicted  
10:19:17 19 of any other crimes?

10:19:19 20 A. Not that I can recall at this moment.

10:19:23 21 Q. And other than the auto theft charge in 1988 and  
10:19:28 22 the property crime charge in the '90s, have you ever  
10:19:31 23 been charged with any other crimes?

10:19:33 24 MR. ORGAN: Objection. It's harassing and not  
10:19:45 25 likely to lead to relevant evidence. There's a privacy

10:39:58 1 BY MS. ANTONUCCI:

10:39:59 2 Q. What's inaccurate about the end date of your  
10:40:05 3 franchise possession?

10:40:05 4 A. I can't be 100 percent sure unless I check my  
10:40:09 5 records.

10:40:09 6 Q. What records would you check to make sure that  
10:40:12 7 date was accurate?

10:40:13 8 A. I would have to go through my old franchise  
10:40:17 9 records.

10:40:18 10 Q. What makes you believe that that date is  
10:40:21 11 inaccurate?

10:40:34 12 A. It may be off by a few months.

10:40:41 13 Q. Anything else on this application that you  
10:40:44 14 believe is inaccurate?

10:40:49 15 A. No, ma'am.

10:40:50 16 Q. Anything incomplete?

10:40:54 17 MR. ORGAN: Objection. Vague and ambiguous.  
10:40:57 18 Compound. You can answer.

10:40:59 19 THE WITNESS: I completed it to the best of my  
10:41:03 20 knowledge, ma'am.

10:41:05 21 BY MS. ANTONUCCI:

10:41:08 22 Q. Do you see on page 35 it says "Have you ever  
10:41:11 23 been convicted of a felony"?

10:41:15 24 A. Yes.

10:41:16 25 Q. And you write, "Yes. 1988." You see that?

**Owen Diaz**

10:41:20 1 A. Yes.

10:41:21 2 Q. Why didn't you mention the property crime at  
10:41:25 3 this point?

10:41:27 4 A. I had -- at that point, I had limited time to  
10:41:34 5 fill out the application because they wanted me to hurry  
10:41:37 6 up and go over to Tesla.

10:41:37 7 Q. But was the property crime a felony?

10:41:42 8 A. I believe so.

10:41:51 9 Q. Any other reason why you didn't disclose it on  
10:41:54 10 the application?

10:41:57 11 A. Oversight.

10:42:08 12 Q. How did you submit this application? Was it in  
10:42:12 13 person or electronically?

10:42:14 14 A. In person.

10:42:16 15 Q. Where did you submit it?

10:42:18 16 A. I believe it was in Newark.

10:42:26 17 Q. Was it at a CitiStaff office?

10:42:29 18 A. Yes, ma'am.

10:42:31 19 Q. Did you meet with anyone when you submitted your  
10:42:34 20 application?

10:42:36 21 A. Yes, ma'am.

10:42:37 22 Q. Who did you meet with?

10:42:40 23 A. I can't remember her name.

10:42:44 24 Q. Can you remember what her role was?

10:42:51 25 MR. ORGAN: Objection. Vague and ambiguous.

1 I, CANDY NEWLAND, CSR No. 14256, certify that the  
2 foregoing proceedings were taken before me at the time  
3 and place herein set forth, at which time the witness  
4 was duly sworn, and that the transcript is a true record  
5 of the testimony so given.

6  
7 Witness review, correction, and signature was

8 (X) by Code.

(X) requested.

9 ( ) waived.

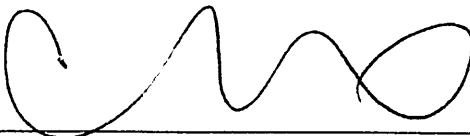
( ) not requested.

10 ( ) not handled by the deposition officer due to party  
11 stipulation.

12  
13 The dismantling, unsealing, or unbinding of the  
14 original transcript will render the reporter's  
15 certificate null and void.

16 I further certify that I am not financially  
17 interested in the action, and I am not a relative or  
18 employee of any attorney of the parties nor of any of  
19 the parties.

20 Dated this 29TH day of May, 2018.

21  
22  
23  
24 

25 CANDY NEWLAND, CSR 14256